

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 4328 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

1 to 5 : No

MUKESH MAGANLAL JAGADA

Versus

COLLECTOR OF CUSTOMS

Appearance:

MR KR JANI for Petitioner
SERVED BY DS for Respondent No. 1
UNSERVED AS REFUSED for Respondent No. 2
PUBLIC PROSECUTOR for Respondent No. 3

CORAM : MR.JUSTICE A.R.DAVE

Date of decision: 03/09/97

ORAL JUDGEMENT :

Rule. Learned advocate Shri Sunil Patel waives service of rule for respondents nos.1 and 2, whereas learned APP waives service for respondent no.3.

2. The petitioner was enlarged on bail by order dated 29th June 1995 in Misc. Criminal Application No.1485 of 1995 on certain conditions. One of the

conditions incorporated in the said order was with regard to marking of presence of the petitioner on 15th and 30th day of every month between 11.00 AM and 5.00 PM at the office of the Commissioner of Customs, Old Custom House, Ballard Estate, Mumbai.

3. It is submitted by the learned advocate Shri Jani that the petitioner is staying at Dahisar and he finds it difficult to attend the office of the Customs twice a month. He has submitted that as directed by this Court, he is attending office of the Commissioner of Customs regularly and he is also remaining present in the Court when his presence is required. In the circumstances, it is prayed by the petitioner that the condition with regard to marking of presence be modified in such a way that the petitioner has to mark his presence once a month.

4. Heard the concerned advocates. Looking to the facts of the case it appears that no harm would be caused to the prosecution if the above referred prayer is granted by modifying the condition with regard to marking presence before the Commissioner of Customs. It is now ordered that the petitioner should mark his presence before the Commissioner of Customs on first working day of every month. Other conditions incorporated in the order dated 29th June 1995 referred to hereinabove shall remain as they are. Rule is made absolute to the above extent. Direct service is permitted.

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